

Exhibit 1

Philpot Claim

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK Claim #5067 Date Filed: 11/15/2012

Name of Debtor and Case Number: Residential Capital, LLC, Case No. 12-12020

NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(9)) may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

GWENDELL L PHILPOT

☐ Check this box if this claim amends a previously filed claim.

Name and address where notices should be sent:

GWENDELL L. PHILPOT
503 Ferry St NE
PO BOX 1088
DECATUR, AL, 35602-1088☒ Date Stamped Copy Returned
☐ No self addressed stamped envelope
☐ No copy to return

Court Claim

Number: _____
(If known)

Filed on: _____

Telephone number: 256-309-9850

email: lloyd.philpot@yahoo.com

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.

Name and address where payment should be sent (if different from above):

Telephone number:

email:

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.

1. Amount of Claim as of Date Case Filed: \$ 630,000.00

If all or part of the claim is secured, complete item 4.

If all or part of the claim is entitled to priority, complete item 5.

☐ Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.☐ Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).☐ Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. §507 (a)(4).☐ Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).☐ Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).☐ Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).☐ Other - Specify applicable paragraph of 11 U.S.C. §507 (a)().

Amount entitled to priority:

\$ _____

* Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

3. Last four digits of any number by which creditor identifies debtor:

0928

3a. Debtor may have scheduled account as:

GWENDELL LLOYD PHILPOT

(See instruction #3a)

3b. Uniform Claim Identifier (optional):

(See instruction #3b)

4. Secured Claim (See instruction #4)

Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Other

Describe:

Value of Property: \$ _____ Annual Interest Rate _____ % ☐ Fixed ☐ Variable
(when case was filed)

Amount of arrearage and other charges, as of the time case was filed, included in secured claim,

if any: \$ _____

Basis for perfection: _____

Amount of Secured Claim: \$ _____

Amount Unsecured: \$ 630,000.00

6. Claim Pursuant to 11 U.S.C. § 503(b)(9):

Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ _____ (See instruction #6)

7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)

8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

9. Signature: (See instruction #9) Check the appropriate box.

☒ I am the creditor. ☐ I am the creditor's authorized agent.
(Attach copy of power of attorney, if any.)☐ I am the trustee, or the debtor, or their authorized agent.
(See Bankruptcy Rule 3004.) ☐ I am a guarantor, surety, indorser, or other codebtor.
(See Bankruptcy Rule 3005.)


I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: GWENDELL L. PHILPOT

Title: _____

Company: _____

Address and telephone number (if different from notice address above): _____


(Signature)

NOV.13,2012

(Date)

RECEIVED

NOV 15 2012

KURTZMAN CARSON CONSULTANTS

Telephone number:

Email:

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U



1212020121115000000000041

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Re: Residential Capital, LLC, Case No. 12-12020

Page 1 of 10


CREDITOR: GWENDELL L. PHILPOT, SUMMARY IN PROOF OF CLAIM Items #2 and #8

In summary, \$350,000.00 of the claim is based on lost equity in the loss of property after the debtor's actions stated herein resulted in bankruptcy of creditor on May 21, 2009 and \$280,000.00 was a three and one half year loss in personal revenue based on creditor's inability to obtain a business loan for a new business start-up for continued design and development of Alzheimer Caregiver's Support System, such loss being a direct result of debtor incorrectly listing payment failure as a missed payment by creditor rather than a failure of the debtor's payment processing system. Potential loss in total business revenue is not as yet or herein determined.

Historically, I, the creditor, do herein assert I had an agreement with debtor, namely, GMAC Mortgage, Residential Capital, LLC, which allowed me to be thirty (30) days late in my payment, and as long as I was not sixty (60) days late, there would be no action of foreclosure taken against me despite the normal thirty day notices. In December 2007 their internet payment processing system failed. After my efforts to get a correction to my account did not get approval by them, I realized how difficult it would be to get any correction to their system's failure. However, their records show they did not foreclose then, and my payments continued to be made within the agreed time of each month. On September 30, 2008 the debtor's payment processing system failed again during a time I was in the process of obtaining a Small Business Administration, SBA, loan through a Federal Credit Union to start a new business for Alzheimer's design and development, continuing a project I had started more than two years before. The system failure of the debtor that night was never corrected to show the computer and phone log file history of my payment that was executed on September 30, 2008, resulting in my inability to obtain the SBA business loan. At the same time, I had the property of which the debtor serviced the mortgage for sale to obtain the equity for investment in the Alzheimer's system business. The debtor refused to verify the log files of my payment and instead started foreclosure rather than correcting its internal system failure, despite multiple communications to the debtor's employees and corporate officers, Tony Renzi, Chief Operating Officer, Residential Capital, LLC, and James N. Young, Chief Financial Officer and Principal Accounting Officer, Residential Capital, LLC, pleading that they correct said error. 1

The debtor stated in reply that they did not have a record of receiving said payment yet they refused to verify said activity of their standard log files of the computer that processed communications and as such the debtor's refusal to correct its payment processing system error caused the loss of my equity in said property, \$350,000, and prevented the development of the Alzheimer's system and a minimal salary to myself of \$80,000 per year, an amount below my past compensation as an industrial designer providing advanced technology design and engineering services to global high technology corporations.

Below are copies of communications between creditor and debtor. The debtor never provided computer log files of September 30, 2008, files I do herewith seek the court direct the debtor provide said phone payment processing computer log files to creditor and in addition request the court to direct the phone log records of 256-280-9128 from PCL Cable/Knology, the company which serviced the phone on which the September 30, 2008 call was made, be provided to creditor, both log records with time codes as evidence to creditor's claim.

 November 13, 2012

GWENDELL L. PHILPOT, CREDITOR

503 Ferry St NE, PO BOX 1088, DECATUR, AL, 35602-1088

256-309-9850

Re: Residential Capital, LLC, Case No. 12-12020

CREDITOR: GWENDELL L. PHILPOT, SUMMARY IN PROOF OF CLAIM Items #2 and #8

NOTE: The e-mail messages are in reverse chronological order September-October 2008.

GMAC Mortgage, Homecomings Financial or ResCap did not respond after this last e-mail and immediately started foreclosure rather than correct their system error.

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Homecomings Financial, LLC

ATTN: Payment Processing Department

P.O. Box 780

Waterloo, IA 50704-0780

I did not receive the e-mail until this morning.

Thank you for looking at my records. They show that I have been paying my account on the last day of the month for more than a year, with the exception of a similar failure in your system in December 2007. Your system should show attempts to login with a similar account name, where the i was not used for the 1.

I stated that my attempt to use the online payment method on September 30, 2008 failed because of my miss-keying of the login name.

However, before the end of that day, before midnight, September 30, 2008, I did execute a payment by phone, which I have delineated in previous e-mails.

In fact, I have checked the bank every day since and no draft has been made by Homecomings, despite the fact the funds have been there since before September 30th and remain available today for Homecomings withdrawal providing my account is corrected to show the payment was made on September 30, 2008, as an investigation into your phone data recording system would verify.

As I have stated by e-mail and by statements to your customer service representatives in phone calls, the issue is not whether the funds have been drafted since September 30, 2008. The issue is the fact that I executed a payment by phone before midnight on September 30, 2008, with verbal prompts stating the payment had been received, but during the voice synthesis process stating the confirmation number, your system shut off. I have stated all of this in my previous e-mails. The fact that your system failed after my payment had been executed from 256-280-9128 with voice prompts stating the payment had been received is not a process that is within my control. I am an industrial designer, having a computer design background for over 25 years. I understand why your system failed regarding the user interface, but I can only control my actions which I performed in a correct manner with respect to your process. The refusal to credit my account as being received on September 30, 2008 is a blatant attempt to disregard the lack of proper design of your system. As such, I may be the victim of one of your employee's decision to incorrectly foreclose on my property. Please address the issue of the failure of your payment processing system to correctly handle my account and payment in a timely manner with records showing payment made on September 30, 2008.

Obviously, money was in the bank, which banking records shows, and I have been diligent to get your employees to correct the mistake and insure to me that my records are accurate showing the payment made on September 30, 2008. Previous e-mail copies are shown below under the row of red \$\$\$\$\$\$ dollar type.

Please advise,

Sincerely,

GLP

Re: Residential Capital, LLC, Case No. 12-12020

CREDITOR: GWENDELL L. PHILPOT, SUMMARY IN PROOF OF CLAIM Items #2 and #8

----- Original Message -----

From: Homecomings <customer.service@homecomings.com>
To: LI Philpott <lloyd.philpott@yahoo.com>
Sent: Tuesday, October 7, 2008 4:50:44 PM
Subject: Re: Incorrect Payment Records

Dear Customer,

Please accept our apology for the delay in our response.

In response to your inquiry, the following payments were received and made online:

- April 30, 2008 in the amount of 2,266.46 applied as your March 2008 payment.
- May 31, 2008 in the amount of \$2,266.46 applied as your April 2008 payment.
- June 30, 2008 in the amount of \$2,266.46 applied as your May 2008 payment.
- July 31, 2008 in the amount of \$2,266.46 applied as your June 2008 payment.
- August 31, 2008 in the amount of \$2,266.46 applied as your July 2008 payment.

In addition, we do not show a payment made using our pay by phone services on September 30, 2008.

However, please check with your bank to see if the funds have cleared. If it has, please fax a copy of your Bank statement reflecting the check number, dollar amount and the date it cleared the bank to 319-236-4696 for further research or mail it to the address provided.

Homecomings Financial, LLC
ATTN: Payment Processing Department
P.O. Box 780
Waterloo, IA 50704-0780

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For your protection, we have removed your names, account number and addresses from your original inquiry. If you have any further questions, please contact us through our Web site at www.homecomings.com or call Customer Care at 1-800-206-2901 during the following hours:

Monday - Friday 6:00AM - 10:00PM CT
Saturday 9:00AM - 1:00PM CT

Customer Care
Loan Servicing

The information contained in this communication is confidential and privileged proprietary information intended only for the personal and confidential use of the individual or entity to whom it is addressed. If you are not the addressee indicated in this message (or an agent responsible for delivery of the message to such person), you are hereby notified that you have received this communication in error and that any review, dissemination, copying or unauthorized use of this message is strictly prohibited. In such case, you should destroy this message and kindly notify the sender by reply email.

Please advise immediately if you or your employer do not consent to Internet email for messages of this kind. Opinions, conclusions, and other information in this message that do not relate to the official business of the Company shall be understood as neither given nor endorsed by it. It is the Company's policy that emails are intended for and should be used for business purposes only.

Re: Residential Capital, LLC, Case No. 12-12020

CREDITOR: GWENDELL L. PHILPOT, SUMMARY IN PROOF OF CLAIM Items #2 and #8

Original Message Follows:

October 3, 2008

Homecomings Financial Services, LLC

Attn: Director of Customer Care, Loan Servicing
P.O. Box 1330
Waterloo, IA 50704-1330

Loan Servicing Center
2711 North Haskell Avenue, Suite 290
Dallas, TX 75204

CC:
ResCap, LLC

Chief Operating Officer, Residential Capital, LLC

Chief Financial Officer and Principal Accounting Officer, Residential Capital, LLC

Per your security methods described below, reference: "User Name" ***, for your internal reference to my name and account number

Thank you for the correct "User Name" of my account in the e-mail I received from your employees today relative to my original e-mail to you and your auto-response to me on October 1, 2008. I successfully logged in today after waiting on your reply for two days, after-which I called the number you provided below.

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However, as I have communicated to Marrian, employee # 31097, Ann, Account Specialist and Thomas, Supervisor of Collections, Dallas, TX in my conversations this afternoon, in calls to the phone number provided below in your previous e-mail, I have tried to get my records corrected to show my payment was in fact made on September 30, 2008 from a phone at 256-280-9128, such that Homecomings Financial, LLC would continue to accept said payment with a verification that said payment is conditional on Homecomings Financial, LLC recognizing the truth, that I executed a payment by phone on September 30, 2008 of a direct payment by check of \$2266.46 plus \$7.50 fee, with correct responses to all prompts and final information that such responses and inputs were received prior to a cutoff failure by your system during the confirmation number reply, such that the executions had to have been received by the data system at Homecomings Financial, LLC on September 30, 2008, before the payment was sixty, 60, days late, a data stream by phone prompt and key input that can be verified on your database, and further I require your manager of information technology to recognize such data as evidence within the Freedom of Information Act concerning my person, providing me with a copy of said data concerning my person and failure to verify said data as being accurate according to my claims and provide me a copy of the same to be a violation of my rights under the Freedom of Information Act and the Fair Credit Reporting Act. Any claim by Homecomings Financial, LLC that I am in foreclosure for failing to make said payment on September 30, 2008 is incorrect without evidence contained within the data records of Homecomings Financial, LLC and therefore will be viewed by myself as an attempt to undermine the provisions contained in my contract with Homecomings Financial, LLC as well as my rights under the laws of Alabama and the United States, and is an attempt to foreclose on my property without just cause, thereby causing injury to my reputation. I claim that I made a good faith effort with all diligence and logic to have my claim verified by your

Re: Residential Capital, LLC, Case No. 12-12020

CREDITOR: GWENDELL L. PHILPOT, SUMMARY IN PROOF OF CLAIM Items #2 and #8

collections employees who refused to do so or to provide me with the name of a corporate director to whom they report so that I may, this afternoon, have quickly addressed my concerns that Homecomings Financial, LLC is improperly handling my account.

I have made such payments as I completed on September 30, 2008 over the past year with the acceptance by Homecomings Financial, LLC of my status consistently being thirty days late and such status being acceptable with no prior action against me to foreclose. It is my belief that should the payment system of Homecomings Financial, LLC worked properly on September 30th, we would not be communicating about this situation. It is my interest to avoid the repercussions of your failed payment collection system as I experienced this past January when your system failed to recognize my payment at the end of 2007 and thereby causing my credit rating to incorrectly drop preventing me the opportunity to refinance my home and negatively affecting other credit factors of my life. Then as now, an inspection of the data records would show my payments to be less than sixty days late. For whatever incentive Homecomings Financial, LLC has to force me into foreclosure by failing to recognize the failure of its automatic payment system, I believe an arbitration or judicial process will find the records to verify that my statements were correct and Homecomings Financial's failure to act in good faith in verifying those claims will be a liability to Homecomings Financial as well as causing me unrepairable damage to my reputation by Homecomings Financial's unwarranted action against me.

On the website: http://www.homecomings.com/About_Us/Legal_Information/Disclosures.html is stated:

"SERVICING Homecomings understands that fair lending does not end with the approval or denial of a loan. Rather, the Fair Lending laws and regulations apply to every facet of a loan, from the taking of an application to receipt of the last loan payment."

Refusing to verify my actions in making my payment on September 30, 2008 is not in keeping of the Fair Lending Laws and Homecomings Financial, LLC's claims on its website.

----- Original Message -----
From: Homecomings <customer.service@homecomings.com> To: "lloyd.philpott@yahoo.com" <lloyd.philpott@yahoo.com>
Sent: Friday, October 3, 2008 9:32:36 AM
Subject: Re: Other Dear Customer, In response to your inquiry, our records indicate your current "User Name" is 7569522i47. Unfortunately, for security purposes, we are unable to provide you with your password. You may access your password by following the steps below. 1. Click on the "Look up your password" link on our home page. 2. Enter your User Name and the first and last name of the person who registered the account. 3. Click Submit. 4. Enter your Secret Answer(s). 5. Click Submit. If all your information is correctly answered, an email will be sent to the current email address associated with your registration, allowing you to reset your password. If you are unable to reset your password, you will need to reregister. In order to reregister, you will need to advise us to expire your current registration. You will then need to choose a new User Name. In addition, our records do not show a payment made on September 30, 2008. At this time your account is due for the August, September and October 2008 payments plus late charges and other fees. If you need to make payment arrangements, please call our Collection Department at 1-800-799-9250 extension 874-3284: Monday-Thursday 7:00 A.M. - 11:00 P.M. Central Time, Friday 7:00 A.M. - 6:00 P.M. CT or Saturday 8:00 A.M. - 12:00 P.M. CT. We apologize for any inconvenience this may have caused. For your protection, we have removed your name, account number, address and phone number from your original inquiry. If you have any further questions, please contact us through our Web site at www.homecomings.com or call Customer Care at 1-800-206-2901 during the following hours: Monday - Friday 6:00AM - 10:00PM CT Saturday 9:00AM - 1:00PM CT Customer Care Loan Servicing The information contained in this communication is confidential and privileged proprietary information intended only for the personal and confidential use of the individual or entity to whom it is addressed. If you are not the addressee indicated in this message (or an agent responsible for delivery of the message to such person), you are hereby notified that you have received this communication in error and that any review, dissemination, copying or unauthorized use of this message is strictly prohibited. In such case, you should destroy this message and kindly

Re: Residential Capital, LLC, Case No. 12-12020

CREDITOR: GWENDELL L. PHILPOT, SUMMARY IN PROOF OF CLAIM Items #2 and #8

notify the sender by reply email. Please advise immediately if you or your employer do not consent to Internet email for messages of this kind. Opinions, conclusions, and other information in this message that do not relate to the official business of the Company shall be understood as neither given nor endorsed by it. It is the Company's policy that emails are intended for and should be used for business purposes only. Original Message Follows: ----- Attention Homecomings Financial Mail Recipient: The Homecomings Financial Internet Application has generated this mail in response to a User's Action. TRKNO= Name: Address: Email Address:

lloyd.philpott@yahoo.com

Phone Number: Main subject of this inquiry: Other User Question/Comment: Last night on September 30, 2008, I tried to access my account to make a payment online. My account name is ** I reset the password a short time ago, and your system did not recognize it. This has happened multiple times on various months. I could not log-on last night. I went through setting up the registration again, but the system still would not allow me to log-in. I even tried my old account name of **o, but no luck. So, I then called 800-206-2901 and executed a pay-by-phone to my account of \$2266.46 plus the \$7.50 phone fee, which the auto system responded as being \$2273.96 deducted from my bank account. I finished with a verification of my SS#, L4D, and response as being accepted. As the confirmation # was starting to be called out to me, your system died. I tried to get back, but the time was then midnight. I executed my payment before midnight on the 30th with a response that verified the same. Today, I called and the auto responder, voice synthesis, system indicated that no payment was made. Then it redirected me with a statement that the call-takers were too busy and hung up on me. Please eMail me with a password reset link and tell me if the system recognized my payment to be on September 30, 2008. Because of my present status with Homecomings, the payment was only made if Homecomings' record shows the payment to have been made on September 30, 2008. User Agent: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; Media Center PC 5.0; .NET CLR 3.0.04506) Time Mail Generated: 10/01/2008 16:06:38

----- Original Message ----- From: Homecomings <customer.service@homecomings.com> To: "lloyd.philpott@yahoo.com" <lloyd.philpott@yahoo.com> Sent: Wednesday, October 1, 2008 4:08:55 PM Subject: We Received Your Message Thank you for your email to Homecomings Financial. Our team will make every effort to reply to your message within two business days.

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Re: Residential Capital, LLC, Case No. 12-12020

CREDITOR: GWENDELL L. PHILPOT, SUMMARY IN PROOF OF CLAIM Items #2 and #8

[illegible]

October 3, 2008

Homecomings Financial Services, LLC
Attn: Director of Customer Care, Loan Servicing
P.O. Box 1330
Waterloo, IA 50704-1330
Loan Servicing Center
2711 North Haskell Avenue, Suite 290
Dallas, TX 75204
8400 Normandale Lake Blvd., Suite 250
Minneapolis, MN 55437

CC:
ResCap, LLC
1 Meridian Crossings
Minneapolis, MN 55423

Tony Renzi
Chief Operating Officer, Residential Capital, LLC

James N. Young
Chief Financial Officer and Principal Accounting Officer, Residential Capital, LLC

Per your security methods described below, reference: "User Name" 7569522i47, for your internal reference to my name and account number

Thank you for the correct "User Name" of my account in the e-mail I received from your employees today relative to my original e-mail to you and your auto-response to me on October 1, 2008. I successfully logged in today after waiting on your reply for two days, after-which I called the number you provided below.

However, as I have communicated to Marrian, employee # 31097, Ann, Account Specialist and Thomas, Supervisor of Collections, Dallas, TX in my conversations this afternoon, in calls to the phone number provided below in your previous e-mail, I have tried to get my records corrected to show my payment was in fact made on September 30, 2008 from a phone at 256-280-9128, such that Homecomings Financial, LLC would continue to accept said payment with a verification that said payment is conditional on Homecomings Financial, LLC recognizing the truth, that I executed a payment by phone on September 30, 2008 of a direct payment by check of \$2266.46 plus \$7.50 fee, with correct responses to all prompts and final information that such responses and inputs were received prior to a cutoff failure by your system during the confirmation number reply, such that the executions had to have been received by the data system at Homecomings Financial, LLC on September 30, 2008, before the payment was sixty, 60, days late, a data stream by phone prompt and key input that can be verified on your database, and further I require your manager of information technology to recognize such data as evidence within the Freedom of Information Act concerning my person, providing me with a copy of said data concerning my person and failure to verify said data as being accurate according to my claims and provide me a copy of the same to be a violation of my rights under the Freedom of Information Act and the Fair Credit Reporting Act. Any claim by Homecomings Financial, LLC that I am in foreclosure for failing to make said payment on September 30, 2008 is incorrect without evidence contained within the data records of Homecomings Financial, LLC and therefore will be viewed by myself as an attempt to undermine the provisions contained in my contract with Homecomings Financial, LLC as well as my rights under the laws of Alabama and the United States, and is an attempt to foreclose on my property without just cause, thereby causing injury to my reputation. I claim that I made a good faith effort with all diligence

Re: Residential Capital, LLC, Case No. 12-12020

and logic to have my claim verified by your collections employees who refused to do so or to provide me with the name of a corporate director to whom they report so that I may, this afternoon, have quickly addressed my concerns that Homecomings Financial, LLC is improperly handling my account.

I have made such payments as I completed on September 30, 2008 over the past year with the acceptance by Homecomings Financial, LLC of my status consistently being thirty days late and such status being acceptable with no prior action against me to foreclose. It is my belief that should the payment system of Homecomings Financial, LLC worked properly on September 30th, we would not be communicating about this situation. It is my interest to avoid the repercussions of your failed payment collection system as I experienced this past January when your system failed to recognize my payment at the end of 2007 and thereby causing my credit rating to incorrectly drop preventing me the opportunity to refinance my home and negatively affecting other credit factors of my life. Then as now, an inspection of the data records would show my payments to be less than sixty days late. For whatever incentive Homecomings Financial, LLC has to force me into foreclosure by failing to recognize the failure of its automatic payment system, I believe an arbitration or judicial process will find the records to verify that my statements were correct and Homecomings Financial's failure to act in good faith in verifying those claims will be a liability to Homecomings Financial as well as causing me unrepairable damage to my reputation by Homecomings Financial's unwarranted action against me.

On the website: http://www.homecomings.com/About_Us/Legal_Information/Disclosures.html is stated:

"SERVICING

Homecomings understands that fair lending does not end with the approval or denial of a loan. Rather, the Fair Lending laws and regulations apply to every facet of a loan, from the taking of an application to receipt of the last loan payment."

Refusing to verify my actions in making my payment on September 30, 2008 is not in keeping of the Fair Lending Laws and Homecomings Financial, LLC's claims on its website.

Gwendell

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+++++
----- Original Message -----

From: Homecomings <customer.service@homecomings.com>

To: "lloyd.philpott@yahoo.com" <lloyd.philpott@yahoo.com>

Sent: Friday, October 3, 2008 9:32:36 AM

Subject: Re: Other

Dear Customer,

In response to your inquiry, our records indicate your current "User Name" is 7569522i47. Unfortunately, for security purposes, we are unable to provide you with your password. You may access your password by following the steps below.

1. Click on the "Look up your password" link on our home page.
2. Enter your User Name and the first and last name of the person who registered the account.
3. Click Submit.
4. Enter your Secret Answer(s).
5. Click Submit.

If all your information is correctly answered, an email will be sent to the current email address associated with your registration, allowing you to reset your password.

Re: Residential Capital, LLC, Case No. 12-12020

CREDITOR: GWENDELL L. PHILPOT, SUMMARY IN PROOF OF CLAIM Items #2 and #8

If you are unable to reset your password, you will need to reregister. In order to reregister, you will need to advise us to expire your current registration. You will then need to choose a new User Name.

In addition, our records do not show a payment made on September 30, 2008. At this time your account is due for the August, September and October 2008 payments plus late charges and other fees. If you need to make payment arrangements, please call our Collection Department at 1-800-799-9250 extension 874-3284: Monday-Thursday 7:00 A.M. - 11:00 P.M. Central Time, Friday 7:00 A.M. - 6:00 P.M. CT or Saturday 8:00 A.M. - 12:00 P.M. CT.

We apologize for any inconvenience this may have caused.

For your protection, we have removed your name, account number, address and phone number from your original inquiry. If you have any further questions, please contact us through our Web site at www.homecomings.com or call Customer Care at 1-800-206-2901 during the following hours:

Monday - Friday 6:00AM - 10:00PM CT
Saturday 9:00AM - 1:00PM CT
Customer Care
Loan Servicing

The information contained in this communication is confidential and privileged proprietary information intended only for the personal and confidential use of the individual or entity to whom it is addressed. If you are not the addressee indicated in this message (or an agent responsible for delivery of the message to such person), you are hereby notified that you have received this communication in error and that any review, dissemination, copying or unauthorized use of this message is strictly prohibited. In such case, you should destroy this message and kindly notify the sender by reply email.

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Please advise immediately if you or your employer do not consent to Internet email for messages of this kind. Opinions, conclusions, and other information in this message that do not relate to the official business of the Company shall be understood as neither given nor endorsed by it. It is the Company's policy that emails are intended for and should be used for business purposes only.

Original Message Follows:

Attention Homecomings Financial Mail Recipient:

The Homecomings Financial Internet Application has generated this mail in response to a User's Action.

TRKNO=

Name:

Address:

Email Address: lloyd.philpott@yahoo.com

Phone Number:

Main subject of this inquiry: Other

User Question/Comment:

Last night on September 30, 2008, I tried to access my account to make a payment online. My account

Re: Residential Capital, LLC, Case No. 12-12020

CREDITOR: GWENDELL L. PHILPOT, SUMMARY IN PROOF OF CLAIM Items #2 and #8

name is ** I reset the password a short time ago, and your system did not recognize it. This has happened multiple times on various months. I could not log-on last night. I went through setting up the registration again, but the system still would not allow me to log-in. I even tried my old account name of **, but no luck. So, I then called 800-206-2901 and executed a pay-by-phone to my account of \$2266.46 plus the \$7.50 phone fee, which the auto system responded as being \$2273.96 deducted from my bank account. I finished with a verification of my SS#, L4D, and response as being accepted. As the confirmation # was starting to be called out to me, your system died. I tried to get back, but the time was then midnight. I executed my payment before midnight on the 30th with a response that verified the same. Today, I called and the auto responder, voice synthesis, system indicated that no payment was made. Then it redirected me with a statement that the call-takers were too busy and hung up on me. Please eMail me with a password reset link and tell me if the system recognized my payment to be on September 30, 2008. Because of my present status with Homecomings, the payment was only made if Homecomings' record shows the payment to have been made on September 30, 2008.

User Agent: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; Media Center PC 5.0; .NET CLR 3.0.04506)
Time Mail Generated: 10/01/2008 16:06:38

----- Original Message -----

From: Homecomings <customer.service@homecomings.com>

To: "lloyd.philpott@yahoo.com" <lloyd.philpott@yahoo.com>

Sent: Wednesday, October 1, 2008 4:08:55 PM

Subject: We Received Your Message

Thank you for your email to Homecomings Financial. Our team will make every effort to reply to your message within two business days.

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Re: Residential Capital, LLC, Case No. 12-12020

CREDITOR: GWENDELL L. PHILPOT, SUMMARY IN PROOF OF CLAIM Items #2 and #8